

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Aliou Yero Warr,

Petitioner(s),

vs.

Field Office Director,

Respondent(s).

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Case Number: 1:19cv218

Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on April 9, 2020 (Doc. 13), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired April 23, 2020, hereby ADOPTS said Report and Recommendation.


Accordingly, petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2241 (Doc. 1) is DISMISSED without prejudice as moot.

A certificate of appealability will not issue under the standard set forth in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), because of "jurists of reason" will not find it debatable whether this Court is correct in its procedural ruling that it lacks subject-matter jurisdiction. *See e.g. Wunderlich v. City of Flushing*, No. 14cv1426, 2014 WL 7433411, at \*3 (E.E. Mich. Dec. 31, 2014) (applying *Slack* to dismissal for lack of subject matter jurisdiction).

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that with respect to any application by petitioner to proceed on appeal *in forma pauperis*, an appeal of any Order adopting the Report

and Recommendation will not be taken in “good faith.” Therefore, petitioner is DENIED leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

  
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Judge Susan J. Dlott  
United States District Court